



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,051	10/25/2000	Adrian John Waynforth Angell	7129	9273

27752 7590 02/06/2003

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

EXAMINER

DOUYON, LORNA M

ART UNIT	PAPER NUMBER
----------	--------------

1751

DATE MAILED: 02/06/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/674,051

Applicant(s)

ANGELL ET AL.

Examiner

Lorna M. Douyon

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-24,30 and 32-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-24,30 and 32-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 1751

1. This action is responsive to the amendment filed on November 25, 2002.
2. The cancellation of claims 1, 2, 15, 16, 17, 18, 19, 25, 26, 27, 28, 29 and 31 is acknowledged. Claims 20-24, 30, 32-36 are pending.
3. The rejection of claims 1-2, 15-16, 18-21, 23-31, 33-34 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kruse et al. (US Patent No. 5,358,655) is withdrawn in view of applicants' amendment.
4. The rejection of claims 1-2, 15-21, 23-31, 33-35 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Joshi (US Patent No. 4,451,386) is withdrawn in view of applicants' amendment.
5. The rejection of claims 22 and 32 under 35 U.S.C. 103(a) as being unpatentable over Kruse or Joshi as applied to the above claims, and further in view of Christie et al. (US Patent No. 5,698,504) is withdrawn in view of applicants' amendment.
6. Claims 20-24, 30, 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pancheri (US Patent No. 5,731,279).

Art Unit: 1751

Pancheri teaches cleaning compositions which may be in the form of granules, agglomerates, laundry bar, liquid, gel or a tablet (see col. 5, lines 8-10). Pancheri also teaches detergent compositions comprising base granules prepared by spray drying, admixed with agglomerates and admixed with nonionic surfactants (see Examples VIII-XIII under cols. 32-33). See also Examples II-III. Pancheri also teaches the addition of other ingredients such as polyethylene glycol having a molecular weight in the range from about 500 to about 100,000 (see col. 22, lines 43-49; col. 24, lines 44-50). Pancheri also teaches a method of laundering soiled fabrics comprising the steps of contacting said soiled fabrics with an aqueous solution containing an effective amount of a detergent composition as above (see claim 7). Pancheri, however, fails to explicitly disclose tableting the detergent compositions and the dispersability of the tablet as those recited.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to prepare the detergent compositions in tablet form because Pancheri teaches that his compositions can be prepared in many forms, one of which is in tablet form, and to reasonably expect the dispersability of the tablet to be within those recited because similar composition having similar ingredients and overlapping proportions have been utilized.

7. Claims 30, 32, 33 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 1751

In claims 30, 32, 33 and 34, the recital of "[t]he detergent product . . . of claim 36" lacks support with respect to independent claim 36 which is drawn to a "process" and not a "product". In addition, in the event claims 32 and 33 are reworded into "process claims", claim 22 would be a duplicate of claim 22 and claim 33 would be a duplicate of claim 23. It is suggested that claims 32 and 33 be canceled.

Response to Applicants' Arguments

8. Applicants' arguments filed on November 25, 2002 have been fully considered but they are not persuasive.

With respect to the remaining rejection based upon Pancheri, Applicants argue that none of the examples in Pancheri appears to be a tablet, there is minimal disclosure of "tablets" which amounts to a single word appearing at column 5, line 10, and nothing therein teaches or suggests that tablets having a density of at least about 1000 g/l could, or should, be made from the disclosed compositions.

The Examiner respectfully disagrees with the above arguments because even though none of the examples appears to be a tablet, the examples like Example VIII under cols. 32-33, which shows the preparation of a detergent composition by admixing 44.6 wt% spray-dried granules with 55.4 wt% agglomerate (based on the weight of spray dried base granules and admixed agglomerate), thereafter admixing 6.0 wt% total nonionic surfactants and also admixing some water, said Example reads on the process of the present invention except for the step of

Art Unit: 1751

compacting the composition to a non-particulate or tablet form. At col. 5, line 10, Pancheri teaches that the detergent composition may be in the form of granules or a tablet, and even though this is the only portion in the specification which discloses "a tablet", this teaching is sufficient to provide direction, motivation and guidance to one of ordinary skill in the art to prepare the cleaning composition not only in granule form but also in tablet form. With these teachings, a person of ordinary skill in the art would be motivated to prepare the granules of Example VIII in tablet form thereby resulting in a tablet having a density of at least about 1000 g/l because the ingredients which have been tableted are the same with overlapping proportions.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 1751

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (703) 305-3773. The examiner can normally be reached on Mondays-Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Technology Center is:

(703) 872-9311 - for Official After Final faxes
(703) 872-9310- for all other Official faxes.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-0661.

February 5, 2003

Lorna M. Douyon
Lorna M. Douyon
Primary Examiner
Art Unit 1751